

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 2. Enforcement of Vehicle Emission Standards and Surveillance Testing

Article 3. Surveillance Testing

§ 2152. Surveillance of Used Cars at Dealerships.

(a) No dealer shall sell, or offer or deliver for sale a used passenger car, light-duty truck, or medium-duty vehicle which is required to meet emission standards adopted pursuant to Chapter 1 (commencing with Section 43000) of Part 5 of Division 26 of the Health and Safety Code, unless such vehicle conforms to the following requirements:

- (1) Ignition timing set to retrofit device or vehicle manufacturer's specification with an allowable tolerance $\pm 3^\circ$;
- (2) Idle speed set to retrofit device or vehicle manufacturer's specification with an allowable tolerance of ± 100 rpm;
- (3) Required exhaust and evaporative emission controls, such as EGR valves, are operating properly;
- (4) Vacuum hoses and electrical wiring for emission controls are correctly routed and connected; and
- (5) Idle mixture set to retrofit device or vehicle manufacturer's specification or according to manufacturer's recommended service procedure.

(b) The requirements set forth in subparagraphs (a)(1) through (a)(5) shall also apply to a dealer when servicing emission related components. However, only that requirement(s) appropriate to the service performed shall apply.

(c) The executive officer or his/her authorized representative shall, pursuant to Health and Safety Code Section 43012, conduct inspection and surveillance of used motor vehicles at dealerships to verify conformity with the requirements set forth in paragraphs (a) and (b). Functional tests, steady-state inspection tests, and other tests as reasonably necessary, shall be performed. In addition, the California Motor Vehicle Inspection Program emission test standards in Section 2176 applicable to the appropriate model year may be used by the executive officer or his/her authorized representative to verify compliance with the requirements of subparagraph (a). Exceeding the limits specified in Section 2176 shall be deemed a violation of the requirements of subparagraph (a).

(d) Violation of the requirements set forth in paragraphs (a) and (b) may result in one or more of the following sanctions:

- (1) Dealer infraction liability for violation of Vehicle Code Section 24007(b) or 27156;
- (2) Action against the dealer's license pursuant to Vehicle Code Section 11713; or
- (3) Any other remedy against a manufacturer or dealer provided for by law.

NOTE: Authority cited: Sections 39600, 39601 and 43211, Health and Safety Code. Reference: Sections 39002, 39003, 43009, 43012, 43100 and 43600, Health and Safety Code; and Sections 11713, 24007(b), 27156, 27157 and 27157.5, Vehicle Code.

REFERENCE